IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 05.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.651 of 2006

Praveen @ Easuraj ... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The Commissioner of Police,
Greater Chennai. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 08.06.2006 in memo No.140/BDFGISV/2006 against the petitioner Praveen @ Easuraj, son of Diraviyam aged about 21 years, who is confined at Central Prison, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Vanitha

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner by name Praveen @ Easuraj, who is detained as a ''Goonda" as contemplated under Section 3(1) the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 08.06.2006, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Additional Public Prosecutor has placed the details, which show that the representation of the detenu dated 30.06.2006 was received by the Government on 04.07.2006 and remarks were called for on 05.07.2006 and the remarks were received by the Government on 07.07.2006 and the File was submitted on 10.07.2006 and the same was dealt with by the Under Secretary and Deputy Secretary on the same day i.e. on 10.07.2006 and finally, the Minister for Prohibition and Excise passed orders on 13.07.2006. The rejection letter was prepared on 18.07.2006 and the same was sent to the detenu on the same day i.e. on 18.07.2006 and served to him on 19.07.2006. On going through the above details, if we exclude the intervening holidays, there was no let up or undue delay as claimed by the learned counsel appearing for the petitioner. Accordingly, we reject the said contention.

4. The learned counsel next submitted that out of ten adverse cases, in five of them, the name of the detenu does not find place and those cases have been foisted by the police. We have verified all the 10 adverse cases and all under Section 379 and 380 IPC. In a case of this nature, it cannot be expected that the name and other details should be furnished even in the earliest point of time i.e. to say, in the complaint. Only after proper investigation, person involved in the offence can be identified. Accordingly, we are unable to accept the said contention also. Further, the Courts have taken a view that even for a solitary instance, if the detaining authority is satisfied that the detention is warranted to maintain public peace and public order, the Court cannot go into the merits of the same and interfere with.

5. Finally the learned counsel for the petitioner submitted that the arrest of the detenu was not intimated to his family members. The learned Additional Public prosecutor from the records submitted that the detenu was arrested on 26.05.2006 and on the same day, the arrest of the detenu was intimated to his mother. He has also brought to our notice that the detention order was intimated to the mother of the detenu on 10.06.2006. Accordingly, we reject the said contention also.

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6. In the light of what is stated above, we do not find any valid ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai, Chennai.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

1 cc to Ms.V.Vanitha, Advocate, SR.40640

jsk (co)

dv/12.9.06

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